

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ALBANY DIVISION

FILED  
U.S. DISTRICT COURT  
MIDDLE GEORGIA  
2009 JUN 5 PM 4 40  
*[Signature]*  
DEPUTY CLERK

FRANK SOLOMON FEDD, SR.,

Plaintiff,

v.

THOMAS AMMONS and  
ELAINE HUTTO,

Defendants.

1:08-CV-110(WLS)

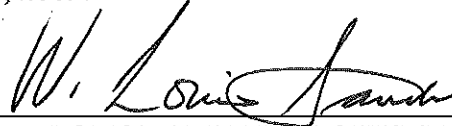
**ORDER**

Before the Court is a Report and Recommendation from United States Magistrate Judge Richard L. Hodge, filed November 24, 2008. (Doc. 28). It is recommended that Defendant's Motion to Dismiss (Doc. 20) be granted and that Plaintiff's action be dismissed for failure to exhaust administrative remedies. Plaintiff concedes that he has not exhausted administrative remedies and agrees to dismissal of his Complaint without prejudice. No objection has been filed to date.

Upon full review and consideration upon the record, the Court finds that said Report and Recommendation (Doc. 28) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein. Accordingly, Defendant's Motion to Dismiss (Doc. 20) is **GRANTED** and Plaintiff's action is **DISMISSED without prejudice** for failure to exhaust administrative remedies.

The following motions are **DENIED without prejudice as moot**: Defendant's Motion to Stay Discovery (Doc. 17); Plaintiff's Motion to Appoint Counsel (Doc. 18); Motion to Dismiss (Doc. 16).

SO ORDERED, this 3rd day of June, 2009.

A handwritten signature in black ink, appearing to read "W. Louis Sands", is written over a horizontal line.

THE HONORABLE W. LOUIS SANDS,  
UNITED STATES DISTRICT COURT